



Entered on Docket
June 07, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

) Case No. BK-S-06-10725-LBR
) Case No. BK-S-06-10726-LBR
) Case No. BK-S-06-10727-LBR
) Case No. BK-S-06-10728-LBR
) Case No. BK-S-06-10729-LBR

CHAPTER 11

) Jointly Administered Under Case No. BK-S-06-
) 10725 LBR

) Date: April 26, 2007
) Time: 9:30 a.m.

Affecting:

☐ All Cases

or Only:

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,
LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

ORDER SUSTAINING THIRTEENTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS

The USACM Liquidating Trust (the "USACM Trust") filed its thirteenth Omnibus Objection to Claims Asserting Secured Status [DE 3157] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. A Responses to the Objection were filed with this Court as follows:

- Reply filed by Jane Hendler regarding Claim Nos. 10725-00446 and 10725-00447 [DE 3412]. A stipulation allowing the claim as an unsecured claim is being circulated.

- Objection filed by Jack Hoggard regarding Claim No. 10725-00244 [DE 3431]. A motion for summary judgment will be prepared as to this claim.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Thirteenth Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;

- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and

- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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1 PREPARED AND SUBMITTED:

2 **LEWIS AND ROCA LLP**

3
4 By: /s/ RC (#0006593)
5 Susan M. Freeman
6 Rob Charles
7 *Attorneys for USACM Liquidating Trust*

8 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

9 In accordance with Local Rule 9021, the undersigned certifies:

- 10 ☐ The Court waived the requirements of LR 9021.
- 11 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
12 parties who have appeared at the hearing regarding this matter and/or who filed
13 a written objection and each has:
- 14 ☒ approved the form of this order;
- 15 ☐ waived the right to review the order;
- 16 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 17 ☐ failed to sign and return this proposed order within five (5) business days
18 in accordance with LR 9021(b).
- 19 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
20 parties who appeared at the hearing regarding this matter and/or who filed a
21 written objection and all have either approved the form of this order, waived the
22 right to review the order, failed to file and serve papers in accordance with LR
23 9021(c) and the following have disapproved the form of the order:
- 24 ☐ No opposition was filed to the motion and no other party or counsel appeared at
25 the hearing (none required).

26 **APPROVED/DISAPPROVED**


Jane Hendler

APPROVED/DISAPPROVED

Jack Hoggard

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3
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25 the hearing (none required).

26 APPROVED/DISAPPROVED

Jane Hendler

APPROVED/DISAPPROVED

Jack Hoggard

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2

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4 Susan M. Freeman
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Attorneys for USACM Liquidating Trust
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13th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Harkins 2001 Revocable Trust Dated 8/23/01 C/O Leslie & Linda Harkins, Ttees 2050 Longley Ln., Apt. 2008 Reno, NV 89502	10725-00612	10/16/2006	\$50,000.00	S
2	Harkins 2001 Revocable Trust Dated 8/23/01 C/O Leslie & Linda Harkins, Ttees 2050 Longley Ln., Apt. 2008 Reno, NV 89502	10725-00613	10/16/2006	\$50,000.00	S
3	Harkins 2001 Revocable Trust Dated 8/23/01 C/O Leslie & Linda Harkins, Ttees 2050 Longley Ln., Apt. 2008 Reno, NV 89502	10725-00614	10/16/2006	\$25,000.00	S
4	Harkins 2001 Revocable Trust Dtd 8/23/01 Leslie & Linda Harkins Ttees 2050 Longley Ln Apt 2008 Reno, NV 89502	10725-00484	10/6/2006	\$50,000.00	S
5	Harkins 2001 Revocable Trust Dtd 8/23/01 Leslie & Linda Harkins Ttees 2050 Longley Ln Apt 2008 Reno, NV 89502	10725-00486	10/6/2006	\$25,000.00	S
6	Harkins Of The Harkins 2001 Revoc- Leslie & Linda Able Tr 2050 Longley Ln Apt 2008 Reno. NV 89502	10725-00481	10/6/2006	\$50,000.00	S
7	Harms, Kurt & Sandra 5513 Indian Hills Ave Las Vegas, NV 89130-2073	10725-00409	10/2/2006	\$56,766.70	S, U
8	Harold & Beverly Willard 1980 Trust Dtd 12/18/80 Harold & Beverly Willard Ttees 400 Bavarian Dr Carson City, NV 89705-7008	10725-00280	9/27/2006	\$50,000.00	S
9	Harold Epstein Revocable Living Trust Dtd 2/14/91 C/O Harold Epstein Trustee 40 W 3Rd Ave Apt 703 San Mateo, Ca 94402-7117	10725-00237	9/26/2006	\$50,000.00	S
10	Harold Epstein Revocable Living Trust Dtd 2/14/91 C/O Harold Epstein Trustee 40 W 3Rd Ave Apt 703 San Mateo. Ca 94402-7117	10725-00238	9/26/2006	\$50,000.00	S

11	Harold Epstein Revocable Living Trust Dtd 2/14/91 C/O Harold Epstein Trustee 40 W 3Rd Ave Apt 703 San Mateo, Ca 94402-7117	10725-00239	9/26/2006	\$50,000.00	S
12	Harouff Jt Ten, Dwight W & Mary Ann 5680 Ruffian Rd Las Vegas, NV 89149	10725-01965	1/10/2007	\$126,866.20	S, U
13	Harouff Ttees Of The Skip & Mary Harouff Trust, Mary Ann & Dwight W 5680 Ruffian Rd Las Vegas, NV 89149	10725-01966	1/10/2007	\$313,278.39	S, U
14	Harouff Ttees Of, Dwight W & Mary Ann The Harouff Charitable Remainder 5680 Ruffian Rd Las Vegas, NV 89149	10725-01963	1/10/2007	\$284,090.98	S, U
15	Harrington, Suze 2131 Connor Park Cv Salt Lake City, UT 84109-2468	10725-02058	1/11/2007	\$304,534.25	S, U
16	Harrison Family Trust 7/27/99 Thomas & Marguerite Harrison 930 Dorsey Dr Incline Village, Nv 89451	10725-02005	1/10/2007	\$25,281.25	S, U
17	Harrison Ttees Of The Harrison Family Tr, Thomas B & Marguerite F 930 Dorsey Dr Incline Village, NV 89451	10725-02003	1/10/2007	\$307,175.18	S, U
18	Harry B Mchugh Revocable Trust Dtd 03/12/01 C/O Harry B Mchugh Trustee 525 Court St Reno, NV 89501-1731	10725-00582	10/13/2006	\$90,000.00	S
19	Harry G & Beverly C Fritz Family Trust Dtd 4/13/95 C/O Beverly C Fritz Trustee 3242 Brookfield Dr Las Vegas, NV 89120-1939	10725-00312	9/29/2006	\$2,953.46	S
20	Hart, Kay J 455 Magnolia Ave Fairhope, AL 36532	10725-02049	1/11/2007	\$303,105.58	S, U
21	Hartwell, Harold 3424 E Tonopah Ave N Las Vegas, NV 89030	10725-01045	11/6/2006	\$150,000.00	S
22	Harvey, Alderson 2605 E Flamingo Rd Las Vegas, NV 89121	10725-01107	11/8/2006	\$50,000.00	S

23	Harvey, Roderick J Sr & Pauline W Trustees Of Harvey Family Trust, Dtd 4/13/97 Donna M Osborn Esq Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	10725-00214	9/29/2006	\$50,000.00	S
24	Harvey, Roderick J Sr & Pauline W Trustees Of Harvey Family Trust, Dtd 4/13/97 Donna M Osborn Esq Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	10725-00215	9/29/2006	\$50,000.00	S
25	Hasen, Terry Po Box 458 Sparks, NV 89432	10725-01105	11/6/2006	\$105,000.00	S
26	Hausler Jr Living Trusr Dtd 1/3/92, Edwin L C/O Edwin L Hausler Ttee 4617 Constitution Ave Ne Albuquerque, NM 87110	10725-01915	1/10/2007	\$243,374.30	S, U
27	Havins, Kimberly 3125 Shadowleaf Ct Las Vegas, Nv 89117	10725-00564	10/12/2006	\$280,000.00	S
28	Hedlund, Michael & Carol Albright Stoddard Warnick & Albright 801 S Rancho Dr #D-4 Las Vegas, NV 89106	10725-00063	7/17/2006	\$262,241.81	S
29	Hees Jt Ten, Christina L & Donald L 1818 Madero Dr The Villages, FL 32159	10725-02091	1/11/2007	\$25,098.63	S, U
30	Heinbaugh, Judith Po Box 8537 Incline Village, NV 89452	10725-00442	10/5/2006	\$175,000.00	S
31	Heller Trust Robert E & Edna W Heller Ttees 152 Ave De La Bleu De Clair Sparks, NV 89434-9558	10725-01038	11/6/2006	\$53,457.30	S
32	Helmberger, Richard A 2300 Rock Springs Dr Apt 2044 Las Vegas, Nv 89128-3150	10725-00498	10/9/2006	\$1,351.00	S
33	Helmberger, Richard A 39080 Santa Rosa Ct Murrietta, CA 92563	10725-00497	10/9/2006	\$183,155.95	S

34	Helms Homes LLC Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	10725-02292	1/12/2007	\$6,348,967.22	S, U
35	Helzer, Jocelyne 115 South Deer Run Rd Carson City, NV 89701	10725-02232	1/12/2007	\$24,606.50	S, U
36	Hendler, Jane 4154 Saint Clair Ave Studio City, CA 91604-1607	10725-00446	10/5/2006	\$71,160.43	S Stipulation to be filed
37	Hendler, Jane 4154 St Clair Ave Studio City, CA 91604	10725-00447	10/5/2006	\$71,160.43	S, U Stipulation to be filed
38	Herd Family Trust Dtd 4/23/99 C/O Allen & Marilyn Herd Ttees 598 Alawa Pl Angels Camp, CA 95222-9768	10725-02042	1/11/2007	\$303,044.51	S, U
39	Hermaine & Seymour Hinden Living Trust Dtd 2/22/00 C/O Hermaine & Seymour Hinden Ttees 2721 Orchid Valley Dr Las Vegas, Nv 89134-7327	10725-00953	11/2/2006	\$40,000.00	S
40	Hess, Donald L 1818 Madero Dr The Villages, FL 32159	10725-02092	1/11/2007	\$50,736.30	S, U
41	Hewlett Packard Financial Services Co. Peter Ashcroft Esquire Bernstein Law Firm PC 2200 Gulf Tower 707 Grant St. Pittsburgh, PA 15219	10725-00105	8/10/2006	\$34,063.78	S
42	Heyboer, Judy 1150 Hidden Oaks Dr Menlo Park, CA 94025	10725-00330	9/28/2006	\$75,000.00	S
43	HFAH Asylum LLC Homes for America Holdings Inc. 86 Main St Second Fl Yonkers, NY 10701-2738	10725-01318	11/13/2006	\$6,685,850.00	S
44	Higgins, Diane H 571 Alden Incline Village, NV 89451-8333	10725-00755	10/30/2006	\$100,000.00	S
45	Higgins, Larry D 571 Alden Incline Village, NV 89451-8333	10725-00959	11/1/2006	\$112,633.31	S

46	High, Edward O 1413 Pelican Bay Trail Winter Park, FL 32792	10725-02048	1/11/2007	\$201,997.38	S, U
47	Hill, Robert W 4900 San Timoteo Ave Nw Albuquerque, NM 87114-3813	10725-00356	10/2/2006	\$800.39	S, P
48	Hogan, Gary M 9900 Wilbur May Pkwy Apt 1604 Reno, NV 89521-4016	10725-00427	10/4/2006	\$50,000.00	S
49	Hoggard, Jack 7022 Rushwood Dr El Dorado Hills, Ca 95762	10725-00244	9/26/2006	\$15,000.00	S